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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

IN RE: BAYER CORP. COMBINATION  
ASPIRIN PRODUCTS MARKETING AND  
SALES PRACTICES LITIGATION

THIS PLEADING RELATES TO:

ALL CASES

09-md-2023 (BMC)(JMA)

**COGAN**, District Judge

**PLAINTIFFS' MOTION FOR ATTORNEYS' FEES AND EXPENSES,  
AND SERVICE AWARDS**

Plaintiffs William Blank, Beverlysue Blank, Anne McCabe, and Douglas Vinson, by and through their attorneys, and as their Motion for Attorneys' Fees and Expenses, and Service Awards, state the following:

Following particularly hard-fought litigation that included a motion to dismiss, extensive written and oral discovery (involving 2.5 million pages of documents and dozens of depositions), a fully briefed motion for class certification (supported by extensive factual and legal research),

and five motions to strike defendant's expert declarations, the Parties<sup>1</sup> settled this consumer protection, breach of warranty, and unjust enrichment class action for a significant cash payment of \$15,000,000. The Settlement, reached only after negotiations before two mediators (including a failed mediation attempt), was achieved through the dedicated efforts of Class Counsel and other Plaintiffs' Counsel working diligently, without compensation, since 2008 to represent the members of the Settlement Classes.

Class Counsel request that this Court enter an order for: (i) an award of attorneys' fees in the amount of \$4,500,000, which represents 30% of the Settlement Amount and 53% of Plaintiffs' Counsels' actual lodestar (or a negative multiplier of .53), (ii) reimbursement of out-of-pocket litigation expenses of \$600,000; and (iii) approval of a \$2,500.00 Incentive Award to each Named Plaintiff in recognition of their valuable services to the Class. As described further in their Memorandum in Support, incorporated here by reference, the record in this case and the case law in the Second Circuit fully support the requested fees, expenses, and service awards.

Accordingly, for the reasons provided above, in their Memorandum of Law and all documents in support, Plaintiffs respectfully request this Court grant their request for attorneys' fees in the amount of \$4,500,000, plus interest on that amount, if any, reimbursement of expenses actually incurred of \$600,000, and service awards for each of the four Class Plaintiffs of \$2,500 each. Plaintiffs further request all such other relief as the Court deems necessary and appropriate. A proposed order is filed with this Motion.

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<sup>1</sup> Unless otherwise noted, all capitalized terms refer to terms in the Settlement Agreement and Release ("Settlement" or "Settlement Agreement").

Dated: January 22, 2013

Respectfully submitted,

By: /s/ Elizabeth A. Fegan

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